(1)

Supreme Court, U.S.
FILED

NO. 95-369 AUG 30 1995

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1994

IN RE THE MARRIAGE OF

JEAN ROSENBAUM,

Petitioner, acting Pro Se,

and

KURT ROSENBAUM,

Respondent.

PETITION FOR WRIT OF CERTIORARI TO THE APPELLATE COURT OF ILLINOIS, FIRST DISTRICT.

PETITION FOR WRIT OF CERTIORARI

Jean Rosenbaum, acting Pro Se

1354 West Greenleaf Street

Chicago, Illinois 60626

973-6047 (312)

89 pp

a) QUESTIONS PRESENTED FOR REVIEW.

1. If a permanent restraining Order not authorized by State Statute, is invalid, violates a litigant's Federal Constitutional rights under Amendment V and Amendment XIV, and if Appellate Court exceeded its jurisdiction by affirming it?

2. If the Appellate Court erred by affirming trial court's total denial of JEAN's Post Trial Motion to Vacate, because no Court Reporter was present to produce a transcript, when extensive written pleadings were available, and did this ruling violate her Federal Constitutional rights under Amendment V and Amendment XIV?

3. If Appellate Court has erred and violated JEAN's Federal Constitutional rights under Amendment V and

XIV by declaring the JUDGMENT OF DISSOLUTION OF MARRIAGE a final judgment, despite the unusual circumstances of this case?

4. If Appellate Court has erred, and violated JEAN's Federal Constitutional right to due process and equal protection of law under Amendment V and Amendment XIV, when ruling trial court had jurisdiction to release KURT's share of the Keystone stock to him?

5. If a Wife/Mother/Grandmother has a family right to discuss family matters with a Husband/Father/Grandfather who does not live with her, equal to that of a Wife who lives with her Husband, without injunctive restraint, and is such an injunction a violation of her Federal Constitutional rights under Amendment V and

Amendment XIV?

6. If the sanction award of $5,477.95 granted KURT from JEAN on Appellate Court's initiative, is justified, if it properly complies with Ill. Rev. Stat. (1994), Supreme Court Rule 375, and if it violates her Federal due process and equal protection rights under Amendment V and Amendment XIV?

b) PARTIES TO THE PROCEEDING.

JEAN ROSENBAUM, Petitioner, was Respondent, Counter-Plaintiff in trial court, and Appellant in the Appellate Court of Illinois. She acted Pro Se in both courts, and will be referred to as JEAN hereinafter.

KURT ROSENBAUM, Respondent, was Petitioner, Counter-Defendant in trial court, Appellee in the Appellate Court of Illinois, and will be referred to as KURT hereinafter.

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NO.

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1994

IN RE THE MARRIAGE OF

JEAN ROSENBAUM,

Petitioner, acting Pro Se,

and

KURT ROSENBAUM,

Respondent.

PETITION FOR WRIT OF CERTIORARI

TO THE APPELLATE COURT OF ILLINOIS,

FIRST DISTRICT.

PETITION FOR WRIT OF CERTIORARI

Petitioner, JEAN ROSENBAUM, acting Pro Se, respectfully prays that a writ of certiorari issue to review the two judgments of the Appellate Court of Illinois, First District, entered January

10, 1995, and May 3, 1995, respectively.

The January 10, 1995 judgment ruled that trial court --

1. Had jurisdiction to release to KURT his share of the Court-controlled Keystone stock;

2. Had jurisdiction to enter a restraining order to enjoin JEAN from contacting KURT directly;

3. Was correct in denying JEAN's Post Trial Motion to Vacate totally without a hearing;

In the January 10, 1995, Order, the Appellate Court ruled that the JUDGMENT OF DISSOLUTION OF MARRIAGE was final, and the restraining order entered was a permanent restraining order. These matters are disputed, also requiring review. The May 3, 1995 Order awarded sanctions for the appeal in the amount of $5,477.95 to KURT from JEAN.

d) OTHER OPINIONS.

No Opinions, published or otherwise, have been entered by the Appellate Court of Illinois, First District, or any other court, in this portion of the case. The Appellate Court has entered its final Orders, for which review is sought, under Ill. Rev. Stat. (1994) Supreme Court Rule 23. For background information, see the published Opinion in Rosenbaum v. Rosenbaum (1976), 38 Ill. App. 3d 1, 349 N.E. 2d 73.

e) JURISDICTION.

The two final Orders in the two segments of the case, Appellate Court of Illinois No. 93-3777, were entered on January 10, 1995, A(11)-A(22), and May 3, 1995, A(25)-A(23), respectively. On February 16, 1995, Appellate Court denied the timely-filed Petition for

Rehearing filed first, A(11)-A(22). On June 9, 1995, Appellate Court denied the timely-filed MOTION TO RECONSIDER AND VACATE ORDER ENTERED MAY 3, 1995, OR AS A LESSER ALTERNATIVE, TO REVISE SANCTION AWARD DOWNWARD TO KURT ROSENBAUM FROM JEAN ROSENBAUM, A(35)-A(36), filed in the second segment.

Leave to Appeal was denied by the Illinois Supreme Court in the first segment, and also the Motion for Leave to file Petition for Leave to Appeal instanter, in the second segment.

This Court's jurisdiction is invoked under Title 28, U.S.C. § 1257(a), (1993) that says:

> "Final judgments or decrees rendered by the highest court of a State in which a decision could be had may be reviewed by the Supreme Court by writ of certiorari ..... or where any title, right, privilege or immunity is specially set up or claimed under the Constitution, or the treaties or statutes of, or any commission held or authority exercised under, the United States."

(f) CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED.

Amendment V of the United States Constitution is set forth in the Appendix at A(43).

Amendment XIV, Section 1, of the United States Constitution, is set forth in the Appendix, at A(43).

Ill. Rev. Stat. (1992), 735 ILCS 5/11 - 101-110, Article XI on injunctions, is set forth in the Appendix at A(44), condensed form.

Ill. Rev. Stat. (1994), Supreme Court Rule 375, relating to sanctions on appeal, is set forth in the Appendix at A(45)-A(46).

(g) STATEMENT OF THE CASE.

The federal questions sought to be reviewed were raised in the court of first instance, the Circuit Court of

Cook County, Illinois, Domestic Relations Division, in a MOTION FOR OFFICIAL TERMINATION ORDER FOR TEMPORARY RESTRAINING ORDER ENTERED SEPTEMBER 8, 1993, that was filed October 18, 1993, (R.C.0388-C.0394). At page (2) of the Motion, JEAN wrote:

> "Respondent's POST-JUDGMENT (TRIAL) MOTION TO VACATE SPECIFIED PORTIONS OF ORDER ENTERED SEPTEMBER 8, 1993, OR MODIFY SAME, AND FOR ARREST OF JUDGMENT, timely-filed, was presented to the Court on October 12, 1993, when the Court denied it totally without actually hearing it (no Court Reporter present). This was contrary to Ill. Rev. Stat. (1992), Ch. 735 ILCS 5/2-1202 (f), applying to jury cases, that requires the Court to rule upon all relief sought in all post-trial motions in some manner. Although not specified as applying to non-jury cases, it is Respondent's belief she is entitled to due process and equal protection of law similar to that in a jury case, United States Constitution, Amendments V and XIV; Illinois Constitution, Article I, Section 2."

The Motion was totally denied (R. C. 0413-0414) in the Order entered October 26, 1993.

In the Appellate Court of Illinois, First District, the federal questions sought to be reviewed were first raised in JEAN's BRIEF, filed February 1, 1994. At page 22, she wrote --

> "JEAN's family right to talk to the father of her family should enjoy equal protection with that of a couple living together, under the U. S. Constitution, Amendments V and XIV, and under the Illinois Constitution, Article I, Section 2."

The question was only superficially ruled on in the January 10, 1995 Order of Appellate Court, which merely says A(18):

> "Respondent's arguments about the sanctity of the family are irrelevant to whether the circuit court had jurisdiction to enjoin her from engaging in harassment of her former husband."

In the Appellate PETITION FOR REHEARING, at pages 13-14, because of Appellate Court's assumption the extensive written pleadings could be ignored, as the Court had no Court Reporter to produce a

transcript of the proceedings, JEAN said:

> "Appellate Court has overreached its powers by its assumption, and has also violated Jean's Constitutional rights under the United States Constitution, Amendment V."

The January 10, 1995 Appellate Order merely touches upon the issue, A(18)-A(19), saying only --

> "The absence of the record is fatal to respondent, as appellant."

Despite the length of the litigation in this case, several matters of considerable importance have remained unresolved, and the Courts have refused to face them squarely, and rule on them directly. In Illinois, until all the ancillary issues are settled, there is no final decree. The matters encompassed by this appeal, Appellate No. 93-3777, overlap with those in the preceding appeal, Appellate No. 92-3948, and involve a different trial judge. No. 93-3777 was filed because KURT's

attorney introduced a new issue in trial court considerably after No. 92-3948 was filed and under consideration. The later request for consolidation was denied.

On June 26, 1990, trial court had entered an Order preventing both KURT and JEAN from disposing of their share of the Keystone stock (R. C.0011), originally jointly-held, but now divided against JEAN's wish, who wanted its proceeds to be used for a trust fund for the protection of the entire Rosenbaum family. [1] Kurt' share-about $50,000.

On June 14, 1993, the attorney, BERMAN, filed in trial court a MOTION RE KEYSTONE STOCK AND TO CLARIFY ORDER OF JUNE 26,

1/ There are three grown Rosenbaum children who have been through difficult times, and presently one grandchild -- more can ensue. KURT is now 82 years old, and JEAN is 73, with ailments.

1990 (R. C.0002-0036), seeking to have KURT's share released to him, JEAN answered, and both litigants were required to file Briefs on the subject. Later, JEAN timely sought to add an Amendment to her Brief, to inform the Court that KURT was now living in the home of SHERRI BRONNER, apparently his mistress, whose name had appeared in this case before. DENIED, September 8, 1993. On September 2, 1993, BERMAN filed a PETITION FOR RULE TO SHOW CAUSE, alleging JEAN had violated a prior Injunction Order when she telephoned KURT at SHERRI's house about an important Social Security matter, etc., as she had no other telephone number for him; he provided absolutely no evidence of such an injunction (R. C.0276-C.0281). JEAN's ANSWER contained the evidence that no such injunc-

tion had ever been entered against her (R. C.0282-C.0304). On September 8, 1993, the Court's Order permitted KURT to regain control of his share of the Keystone stock and dispose of it as he wished. It also entered a restraining Order enjoining JEAN from either telephoning or writing KURT except through his attorney, BERMAN (R. C.0305-C.0306). The restraining Order did not specify what kind of an Injunction it was; the January 10, 1995 Appellate Order labels it a permanent injunction, A(18). Trial court DENIED the POST-JUDGMENT (TRIAL) MOTION OF JEAN TO VACATE OR MODIFY SPECIFIED PARTS OF THE SEPTEMBER 8, 1993 ORDER, which also asked for an ARREST OF JUDGMENT because of defects in the Record (R. C.0387), and on October 26, 1993, DENIED Jean's MOTION FOR OFFICIAL

TERMINATION ORDER FOR TEMPORARY RESTRAINING ORDER ENTERED SEPTEMBER 8, 1993. The Court also DENIED her request for Supersedeas and Stay for the forthcoming appeal (R. C.0413-C.0414).

The related appeal, No. 92-3948, was submitted to the Illinois Supreme Court as a Petition for Leave to Appeal, No. 77388. Review was denied, and it was then submitted to the U. S. Supreme Court in a Petition for Certiorari, No. 94-1189, in which BERMAN filed neither an Appearance or any document. Certiorari was denied, and JEAN is still attempting to get the Illinois State Courts to reverse and dismiss the case because of the mootness factor. [2]

2/ The January 10, 1995 Order did not rule on the sanctions issue, and ordered further pleadings. The Illinois Supreme Court Clerk's office advised to file two separate appeals, one on the January 10, 1995 Order, and another when sanctions were finalized.

ARGUMENT.

Reasons for Granting the Writ.

Certiorari should be granted for several reasons: This Petition presents issues important to the correction of the present careless treatment of families and family members in some of the lower Courts. Concepts for appropriate family attitudes have been established by this Court, but not specifically and unequivocally decided by this Court because of traditional State jurisdic- of the subject matter under most conditions. The Orders of the Appellate Court sought to be reviewed conflict, by implication, with previous deci-

Because of overlapping of events, the Appellate Mandate was issued to trial court and had to be recalled, A(37), A(38)-A(40). This made necessary a Motion for Leave to File Instanter, a Petition for Leave to Appeal, in the Illinois Supreme Court re Segment 2 of 93-3777, now Illinois Supreme Court No. 79435, A(41)-A(42), which was denied.

sions of this Court establishing proper concepts, and with some other lower Court decisions.

1. The permanent restraining order is not authorized by State Statute, and is invalid. The Order says; A(17):

> "Respondent is enjoined from calling Petitioner by telephone and from writing him except through Petitioner's attorney, Edward A. Berman, and from otherwise harassing and interfering with petitioner."

Entered September 8, 1993, the trial court has labeled the need of JEAN to discuss an important Social Security matter with KURT, as "harassing." The Appellate Order of January 10, 1995 A(18) additionally adds:

> "With regard to the order, it is quite specific and is a <u>permanent injunction</u> enjoining respondent (JEAN) from engaging in harassment."

JEAN had previously complained that the injunction, contrary to State Statute, was indefinite, and did not comply with

State requirements for any kind of an injunction. Appellate Court, therefore, has clarified that it is a "permanent" injunction, without heeding the fact that the State injunction law does NOT allow for or authorize a "permanent" injunction. See: A(44) for wording of the injunction Statute, Ill. Rev. Stat. (1992) -- 735 ILCS 5/11 -101-110. It appears that Appellate Court, on its own, has "manufactured" an "invalid" clause, to suit its whim. "The language of a statute controls when sufficiently clear in its context," Ernst v. Hochfelder, 425 U.S. 185, 197, 94 S. Ct. 1375, 47 L.Ed. 2d 668 (1976). "When statutory language is clear and unambiguous, a court's only function is to enforce the law as enacted by the legislature," In re Petition to Dissolve and Discontinue (First Dist.

(1993), 244 Ill. App. 3d 127, 131, 614 N.E. 2d 53. Appellate Court exceeded its jurisdiction by labeling the restraining order as "permanent,", which is not authorized at law and, therefore, the order should be voided; Ward v. Sampson (1946), 395 Ill. 353, 360-61, 70 N.E. 2d 324, authorizes this.

The Petitioner, JEAN, is protected under the United States Constitution, Amendments V and XIV, from the oppressive actions of governmental officials who exceed their authority.

2. The trial court Order entered October 12, 1993 (R. C.387), in part says:

> "This cause coming on to be heard this 12th day of October, 1993, on (1) Respondent's POST-JUDGMENT (TRIAL) MOTION TO VACATE SPECIFIED PORTIONS OF ORDER ENTERED SEPTEMBER 8, 1993, OR MODIFY SAME, AND FOR ARREST OF JUDGMENT, and (2) the request of Petitioner's attorney's representative for a continuance to October 29, 1993, because of attorney

Edward A. Berman's absence from the country; without hearing argument of Jean Rosenbaum,

IT IS HEREBY ORDERED:

1. Respondent's POST-JUDGMENT (TRIAL) MOTION TO VACATE SPECIFIED PORTIONS OF ORDER ENTERED SEPTEMBER 8, 1993, OR MODIFY SAME, AND FOR ARREST OF JUDGMENT, is denied, with prejudice.

etc.

Judge Jeffrey Lawrence

October 12, 1993"

The Code of Judicial Conduct, Ill. Rev. Stat. (1992), Illinois Supreme Court Rule 61, requires:

> "A judge should accord to every person who is legally interested in a proceeding, or his lawyer, full right to be heard according to law."

The Court's refusal to hear argument of JEAN, and Appellate Court's affirmance of the act, despite the clearly written Court Order of October

1993, admitting argument was not heard, is depriving JEAN of her equal right to due process and equal protection of law under the United States Constitution, Amendment V and Amendment XIV.

3. Appellate Court erred by ruling the JUDGMENT FOR DISSOLUTION OF MARRIAGE was final, and this is a violation of JEAN's Federal Constitutional rights under Amendment V and Amendment XIV, because she is being deprived of due process and equal protection of law.

Although marriage and divorce laws are basically the realm of the State, Illinois has ruled that until all the ancillary issues are resolved, the petition for dissolution is not fully adjudicated, In re Marriage of Leonardo (1983), 96 Ill. 2d 114, 119, 449 N.E. 2d 137, In re Marriage of Lai (First Dist. 1989), 192 Ill. App. 3d 807,

549 N.E. 2d 639. The JUDGMENT OF DISSOLUTION required KURT to provide a $15,000 life insurance policy with JEAN as irrevocable beneficiary, and to give her a copy, which havestill NOT been forthcoming. It deemed certain marital assets to be property of the three children, without saying when they are to receive it, a matter brought to the attention of the court(s) more than once which they have ignored. JEAN has frequently claimed the JUDGMENT OF DISSOLUTION is a void judgment, as it violates principles of res judicata and related law, but the Court(s) simply refuse to rule on the issue. It is a violation of JEAN's Constitutional rights, therefore, under due process and equal protection, to pronounce the JUDGMENT FOR DISSOLUTION a final judgment, all ancillary issues not having been resolved.

A woman, like any other person, is entitled to the equal protection and due process of law, Schattmen v. Texas Employment Comm. (CA Tex. 1972), 459 F. 2d 32, 38, cert. den. 93 S.Ct. 901, 409 U.S. 1107. Furthermore, Appellate Court, although frequently requested by JEAN to establish the date of finality of the JUDGMENT OF DISSOLUTION, has simply not done this, despite its legal importance, thus infringing upon Federal rights.

4. Appellate Court erred, and violated JEAN's Federal Constitutional right to due process and equal protection of law, under Amendment V and Amendment XIV, when affirming that trial court had jurisdiction to release KURT's share of the Keystone stock to him. The Order putting the stock under Court control is dated June 26,

1990, A(14). "Trial court loses jurisdiction to vacate or modify its judgment 30 days after entry of judgment, unless a timely post-trial motion is filed," Beck v. Stepp (1991), 144 Ill. 2d 232, 238, 579 N.E. 2d 824, Ill. Rev. Stat. (1989), Ch. 110, Par. 2-1203. BERMAN filed no post-trial motion, nor did he appeal the order. He could have filed a Petition within two years under Ill. Rev. Stat. (1991), Ch. 110, Sec. 2-1401, but did not do this either, although it was required. For these and other reasons, trial court did not have jurisdiction to release the Keystone stock to KURT, and Appellate Court erred by ruling it did. This is a violation of JEAN's right to due process and equal protection of law, under the United States Constitution, Amendments V and XIV.

5. No-one can validly deny that KURT and JEAN ROSENBAUM are parents of three grown children, and now have one grandchild. KURT is 82 years old; JEAN is 73; neither is totally well. JEAN by now should possess the right to talk to the Husband/Father/Grandfather of her family, divorced or not, when required. JEAN telephoned KURT at SHERRI's house (she apparently is his mistress), because she had no other telephone number. With the enjoinment Order, the Court has made KURT's ladyfriend more important than the Wife/Mother/Grandmother, as she can now contact him only through BERMAN, the attorney. Married people living together are not so discriminated against, and a Wife/Mother/Grandmother, divorced or not, should enjoy equal family rights, with that of a couple living together under the United States Constitution, Amend-

ment V and Amendment XIV. Moore v. City of East Cleveland (1977), 431 U.S. 494, 503, 97 S.Ct. 1932, 52 L.Ed. 2d 531, ruled:

> "Constitution protects the sanctity of the family precisely because the institution of the family is deeply rooted in this Nation's history and tradition."

For this reason, the enjoinment order should be voided, as well as for reason(s) already discussed.

6. Illinois Supreme Court Rule 375, Ill. Rev. Stat. (1994), the text of which appears at A(45)-A(46), in paragraph (b), permits an award of sanctions for an appeal not taken in good faith that has been taken for an improper purpose. An appeal will be deemed to have been taken for an improper purpose where the primary purpose of the appeal is to delay, harass or cause needless expense. Where a sanction is imposed, the court must set forth the reasons

in a separate written order. Appellate Court, on its own initiative, awarded $5,477.95 to KURT from JEAN, and this is not the first award he has received from JEAN. The various awards in the different parts of this case amount to approximately $18,000.00 thus far, although JEAN is not affluent, and is now retired. [3]

Appellate Court, in its May 3, 1995 Order on sanctions, gives as its reasons, "the sanction order was imposed generally," and "this court acknowledges that respondent has filed multiple and repetitive pleadings, as demonstrated once again in this final administrative matter." It ignores the duplicate pleadings of BERMAN, as

3/ Berman is constantly requesting new sanctions from JEAN, and apparently considers of no importance the still outstanding issues.

demonstrated by his Keystone stock filings, the necessity for him to redo his Affidavit of Appellate Expenses because of inaccuracies, requiring another Response from JEAN, etc. The Court apparently believes that an appeal that attempts to void an improperly entered injunction that is not authorized by Illinois statute, or to finalize ancillary matters, is frivolous and not taken in good faith, although the Court makes little or no effort to correct the deficiencies, or to require BERMAN to correct them.[4]

JEAN, who has had difficulty in get-

4/ The number of sanction awards to KURT from JEAN approved by the Court, strongly suggest the use of intimidating tactics used by the Court(s) to force JEAN to cease attempting to enforce her rights, and those of her children. JEAN has borne and raised KURT's three children, as well as providing other services, and should be entitled to receive a more humane and equitable treatment.

ting the Court to rule on issues of genuine importance, believes that even though she filed extensive pleadings, these alone do not warrant sanctions against her, as they appeared to be of importance, even though Appellate Court may disagree.

Janisco v. Kozloski (Third Dist. 1994), 261 Ill.App. 3d 963, 968, 634 N.E. 2d 1104, ruled:

> "In our opinion, sanctions authorized by Rule 375 should not be imposed except in the most egregious of circumstances."

"The purpose of sanctions is not to punish, but to preserve professional integrity and protect the public interest," In re Alexander (1991), 146 Ill. 2d 83, 88, 585 N.E. 2d 70. The public interest involves an adjudication on ancillary, unresolved issues of utmost importance, instead of sanctions. "Fees allowed should be limited

to an amount which provides fair compensation to the attorney, and which are fair to the person required to pay," In re Marriage of Rossi (First Dist. 1983), 113 Ill. App. 3d 55, 62, 446 N.E. 2d 1198. JEAN's Constitutional right to due process and equal protection, requires a decision that conforms to the aforementioned cases, Amendment V, Amendment XIV. Woodrow v. Quaid (1920), 292 Ill. 27, 32, 126 N.E. 2d 583, ruled that if trial court has retained jurisdiction in the judgment to enforce the decree, as the Rosenbaum JUDGMENT OF DISSOLUTION does, A(47), remand is required. Neither the Appellate January 10, 1995, or the May 3, 1995 decisions, require remand. Appellate Court in prior decisions in the case, has seldom, if ever, generally remanded the case. This might be sufficient to void

many of the trial court and Appellate Court orders; the entire picture in this area requires clarification.

CONCLUSION.

For the reasons set forth above, a writ of certiorari issued to review the January 10, 1995, and May 3, 1995, judgments of the Appellate Court of Illinois, First District, would be greatly appreciated.

Respectfully submitted,

Jean Rosenbaum

JEAN ROSENBAUM, Petitioner, acting Pro Se.

DATED: August 29, 1995.

A P P E N D I X

A P P E N D I X

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IN THE APPELLATE COURT, STATE OF ILLINOIS
FIRST DISTRICT

IN RE THE MARRIAGE OF	)	
	)	
KURT ROSENBAUM,	)	
	)	
Petitioner, Counter-	)	
	)	
Defendant, Appellee,	)	
	)	
and	)	NO. 93-3777
	)	
JEAN ROSENBAUM,	)	
	)	
Respondent, Counter-	)	
	)	
Plaintiff, Appellant,	)	
	)	C O P Y
acting Pro Se.	)	

ORDER

This cause coming on to be heard this day on the MOTION RE SUPERSEDEAS AND STAY presented by JEAN ROSENBAUM, Respondent, Counter-Plaintiff, Appellant, acting Pro Se, and the Court having read argument and been advised in the premises;

IT IS HEREBY ORDERED:

1. The supersedeas requirement is waived; no supersedeas is required, and

a stay of enforcement of judgment is granted effective this date and until the finalization of this appeal.

ALLOWED: ____ DENIED: X

2. JEAN ROSENBAUM's stock already on deposit with the Clerk of the Circuit Court of Cook County, Illinois, Domestic Relations Division, presently worth approximately $3,926.00, shall serve to substitute for a supersedeas bond, and a stay of enforcement of judgment is allowed effective this date and until finalization of this appeal.

ALLOWED: ____ DENIED: X

3. The supersedeas is set at $95,000.00 ; stock is permitted to fulfill the requirement; Appellant is allowed to and including 12/7/93 to meet the requirement, and if timely met, a stay will ensue as of the date of its deposit with the Clerk of the

Circuit Court of Cook County, of enforcement of Judgment, and until finalization of this appeal.

ALLOWED: X DENIED: ____

Justice: ALLEN HARTMAN

Justice: ANTHONY SCARIANO

Justice: GINO L. DiVITO

Dated: November 18, 1993

IN THE APPELLATE COURT, STATE OF ILLINOIS
FIRST DISTRICT

IN RE THE MARRIAGE OF	)	
	)	
KURT ROSENBAUM,	)	
	)	
Petitioner, Counter-	)	
	)	
Defendant, Appellee,	)	
	)	
and	)	NO. 93-3777
	)	
JEAN ROSENBAUM,	)	
	)	
Respondent, Counter-	)	
	)	
Plaintiff, Appellant,	)	
	)	C O P Y
acting Pro Se.	)	

ORDER

This cause coming on to be heard this day on the NEW MOTION RE SUPERSEDEAS AND STAY, PERTAINING TO NOVEMBER 18, 1993 ORDER, presented by JEAN ROSENBAUM, Respondent, Counter-Plaintiff, Appellant, acting Pro Se, and the Court having read argument and been advised in the premises;

IT IS HEREBY ORDERED:

1. The supersedeas requirement is waived, and a stay of enforcement of judg-

ment is granted effective this date and until the finalizarion of all appeals in this cause.

ALLOWED: ____ DENIED: __X__

2. JEAN ROSENBAUM's share of the Keystone stock under the control of the Circuit Court of Cook County, Illinois, Domestic Relations Division, in whole $_____, or in part $_____, will serve as the supersedeas requirement and effect a stay of judgment, and said Court is directed to release the proper sum to Jean Rosenbaum for the purpose of meeting the supersedeas requirement and effecting a stay, without any penalty to Jean Rosenbaum whatsoever, with regard to pursuing this litigation. It shall not be deemed that she has accepted the benefits of any decree entered herein, and her litigation may not thus be limited.

ALLOWED: ____ DENIED: __X__

3. Jean Rosenbaum is allowed to and including 12/21/93 for securing supersedeas bond as ordered on 11/18/93.

Justice: ALLEN HARTMAN

Justice: ANTHONY SCARIANO

Justice: GINO L. DiVITO

Dated: December 8, 1993

IN THE APPELLATE COURT, STATE OF ILLINOIS
FIRST DISTRICT

IN RE THE MARRIAGE OF)
)
KURT ROSENBAUM,)
)
Petitioner, Counter-)
)
Defendant, Appellee,)
)
and) NO. 93-3777
)
JEAN ROSENBAUM,)
)
Respondent, Counter-)
)
Plaintiff, Appellant,) C O P Y
)
acting Pro Se.)

ORDER

This cause coming on to be heard this day on the ADDITIONAL (THIRD) MOTION RE SUPERSEDEAS AND STAY presented by JEAN ROSENBAUM, Respondent, Counter-Plaintiff, Appellant, acting Pro Se, and the Court having read argument and been advised in the premises;

IT IS HEREBY ORDERED:

1. MOTION FOR SUPERSEDEAS (THIRD MOTION) DENIED .

1-A. The sum on deposit at the Amalgamated Trust & Savings Bank, Chicago, Illinois, consisting of $151,743.07 as of November, 1993, Account No. 5993-42100, earmarked for Jean Rosenbaum but presently subject to Court Order and under the control of the Circuit Court of Cook County, Illinois, Domestic Relations Division, shall serve as the supersedeas, and effect a stay of the judgment as of the date of this Order.

ALLOWED: ____ DENIED: X

2. No further withdrawals from this account shall take place except by Order of the Appellate Court of Illinois, First District.

ALLOWED: ____ DENIED: X

3. There shall be no penalty to Jean Rosenbaum for the use of these funds.

ALLOWED: ____ DENIED: X

J. DiVITO, HARTMAN, SCARIANO - 1/26/94

IN THE APPELLATE COURT, STATE OF ILLINOIS
FIRST DISTRICT

IN RE THE MARRIAGE OF	)	
	)	
KURT ROSENBAUM,	)	
	)	
Petitioner, Counter-	)	
	)	
Defendant, Appellee,	)	
	)	
and	)	NO. 93-3777
	)	
JEAN ROSENBAUM,	)	
	)	
Respondent, Counter-	)	
	)	
Plaintiff, Appellant,	)	C O P Y
	)	
acting Pro Se.	)	

ORDER

This cause coming on to be heard this day on the MOTION TO RECONSIDER DECISION DENYING ORAL ARGUMENT presented by JEAN ROSENBAUM, Respondent, Counter-Plaintiff, Appellant, acting Pro Se, and the Court having read argument and been advised in the premises;

IT IS HEREBY ORDERED:

The MOTION TO RECONSIDER DECISION

DENYING ORAL ARGUMENT IS

ALLOWED: ____ DENIED: X

Justice GINO DiVITO

Justice ALLEN HARTMAN

Justice ANTHONY SCARIANO

Order Entered: November 2, 1994.

SECOND DIVISION
JANUARY 10, 1995

No. 1-93-3777

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

IN RE THE MARRIAGE OF KURT ROSENBAUM,	) Appeal from the) Circuit Court of) Cook County.
Petitioner, Counter-Defendant, Appellee,	)
and	) No. 81 D 22050.
JEAN ROSENBAUM,	) Honorable Jeffrey) Lawrence, Judge
Respondent, Counter-Plaintiff, Appellant.	) Presiding.

O R D E R

Respondent, Jean Rosenbaum, appeals pro se from certain orders relating to a 1983 judgment of marital dissolution from petitioner, Kurt Rosenbaum. She contends (a) the judgment is not valid because petitioner has not yet presented respondent with a copy of a court-ordered life insurance policy; (b) the circuit court had no jurisdiction to release

control of certain stock to petitioner and abused its discretion in not allowing respondent to file an amendment to her brief in opposition to petitioner's motion regarding the stock; (c) the circuit court had no jurisdiction to enter a restraining order preventing respondent from contacting petitioner at home and this order did not technically comply with statute; and (d) the court erred in denying respondent's post-trial motion without hearing her argument.

The present appeal represents the fifteenth appeal of respondent to this court. After the filing of the respondent's brief in the current appeal, this court entered an order in Rosenbaum v. Rosenbaum (1st Dist. 1994), No. 92-3948 (unpublished order under Supreme Court Rule 23), which, in addition to touching

upon and discussing many issues in this case, also denied respondent leave to file any further pleadings regarding motions taken with the case and awarded attorney fees to petitioner on appeal.

In the late 1960's petitioner filed a petition for dissolution of the marriage on the grounds of mental cruelty, which was denied. In 1974, his second petition for dissolution was granted. Respondent appealed and this court reversed in Rosenbaum v. Rosenbaum (1976), 38 Ill. App. 3d 1, 349 N.E. 2d 73. Petitioner's third petition for dissolution was granted by the circuit court by order entered December 16, 1983 (the 1983 dissolution) and was affirmed on appeal. (In re Marriage of Rosenbaum (1st Dist. 1985), No. 84-0489 (unpublished order under Supreme Court Rule 23).) Thereafter respondent has engaged in exhaus-

tive litigation, the history of which is set forth in detail in In re Marriage of Rosenbaum (1st Dist. 1991), Nos. 89-1152, 89-2068, 90-0536 and 90-1911 (unpublished order under Supreme Court Rule 23), and will not be repeated except to the extent necessary.

The respondent first argues that the circuit court did not have jurisdiction to rule on the release from court control of certain stock, the Keystone stock. On June 26, 1990, the circuit court entered an order providing that neither party shall dispose of the Keystone stock, divided 50-50 in the 1983 judgment. The order of June 26, 1990, was the subject of an appeal to this court which determined all rights under the order. In re Rosenbaum (1st Dist. 1991), Nos. 89-1152, 89-2068, 90-0536, 90-1911 (unpublished order under Supreme

Court Rule 23).

Subsequent to the filing of our mandate in the circuit court, respondent filed a motion regarding the stock which was denied. Respondent again appealed, and as a result petitioner filed a motion in this court for entry of an appropriate order clarifying the order of June 26, 1990. In response to this motion, respondent filed an answer and a motion to strike. In her motion, respondent asserted:

> "4. (Respondent's) timely-filed NOTICE OF APPEAL contained absolutely no reference to any Order pertaining to the Keystone stock and, therefore, the Appellate Court does NOT have jurisdiction to rule on the subject. (Petitioner) *** acted audaciously in attempting to release the Keystone stock without a Court Order, and in

presenting the issue to the Appellate Court in his motion, when the subject had never been appealed. Nor did (Petitioner) ever properly introduce the subject into the trial court or the trial court Record."

This court denied petitioner's motion on May 20, 1993.

Thereafter on June 14, 1993, petitioner filed his motion for an appropriate order in the circuit court only to be met with the argument that the circuit court did not have jurisdiction, but this court did. The circuit court found it retained jurisdiction and on September 8, 1993, sustained the motion. The circuit court is not divested of jurisdiction of issues not appealed. (In re Marriage of Holem (1987), 153 Ill. App. 3d 1095, 506 N.E. 2d 739.) The

circuit court had jurisdiction to enter the order regarding clarification of the June 26, 1990 order.

Respondent also alleges the enjoining order entered on September 8, 1993, was invalid. The order stated:

> "Respondent is enjoined from calling Petitioner by telephone and from writing him except through Petitioner's attorney, Edward A. Berman, and from otherwise harassing and interfering with petitioner."

Respondent argues that the order was invalid because of the sanctity of the family and the order did not technically comply with the injunction statute because it did not state whether it was permanent or temporary, because it was not specific in terms, or described in reasonable detail as required by sections 11-101 and 11-102 of the Code of

Civil Procedure. Ill. Rev. Stat. 1991, ch. 110, pars. 11-101, 11-102 (now IICS 5/11-101, 5/11-102 (West 1992)).

Respondent's arguments about the sanctity of the family are irrelevant to whether the circuit court had jurisdiction to enjoin her from engaging in harassment of her former husband. With regard to the order, it is quite specific and is a permanent injunction enjoining respondent from engaging in harassment. This injunction did not create undue hardship for respondent and she was aware of its terms. (see Paddington Corp. v. Westville Beverage Mart, Inc. (1973), 12 Ill. App. 3d 555, 558, 299 N.E. 2d 554.) Further, the circuit court not only denied the post-judgment motion to vacate the order of September 8, 1993 on October 12, 1993 and October 26, 1993, but also the respondent's motions to

arrest judgment and for an official termination order of the injunctive order. The transcripts of what occurred on those dates are not before this court. The order denying respondent's motion to vacate states that the court heard arguments, examined the pleadings and was fully advised in the premises. The absence of the record is fatal to respondent, as appellant.

The respondent next argues that the judgment of dissolution of marriage entered in 1983 is not final, partially because petitioner has not yet presented respondent with a copy of the $15,000 life insurance policy awarded her in the 1983 judgment. On February 13, 1990, the court ordered petitioner to give respondent a copy by March 1, 1990. The record does not indicate whether there was compliance with the order. This

issue was also raised in one of the previous appeals wherein this court stated if there had not been compliance with the court order requiring a copy, an appropriate order should be entered. Even assuming there has not been compliance, this has no bearing on whether the judgment was a final order. In this court's most recent order we found that the 1983 judgment was final, despite respondent's refusal to recognize this reality. Respondent simply is trying to reargue issues which have been decided time and again.

Respondent next argues that the circuit court erred by not permitting her to file an amendment to her brief in opposition to petitioner's motion regarding the Keystone stock and to clarify the order of June 26, 1990. It is within the court's discretion whether

or not to allow the amendment. There is nothing before us to suggest the court abused this discretion.

Respondent next argues that the circuit court erred in denying respondent's post-trial motion without hearing argument of respondent. However, the record reveals extensive written arguments on the post-trial motion. Furthermore, the record of proceedings of October 12, 1993, is absent from the record on appeal. We cannot tell what information was considered by the court or if respondent requested argument. We must assume the court's order was correct.

The petitioner requests that sanctions be entered against respondent for arguments made here which are repetitive of arguments contained in the earlier appeals. Petitioner's request for an award of sanctions on appeal is granted.

Petitioner may file with this court an affidavit of fees and costs within 14 days of the date of this order and respondent is granted leave to file a response within 14 days thereafter.

Affirmed.

HARTMAN, J., with SCARIANO, P.J., and DiVITO, J., concurring.

IN THE APPELLATE COURT, STATE OF ILLINOIS
FIRST DISTRICT

IN RE THE MARRIAGE OF	)	
	)	
KURT ROSENBAUM,	)	
	)	
Petitioner, Counter-	)	
	)	
Defendant,	)	
	)	
v.	)	NO. 1-93-3777
	)	
JEAN ROSENBAUM,	)	
	)	
Respondent, Counter-	)	
	)	
Plaintiff, Appellant,	)	
	)	C O P Y
acting Pro Se.	)	

ORDER

IT IS HEREBY ORDERED THAT Respondent, Counter-Plaintiff, Appellant's petition for rehearing is hereby DENIED.

Presiding Justice ANTHONY SCARIANO

Justice ALLEN HARTMAN

Justice GINO DiVITO

DATED: February 16, 1995

No. 78716

IN THE

SUPREME COURT OF ILLINOIS

KURT ROSENBAUM,
Respondent

v.

JEAN ROSENBAUM,
Petitioner

C O P Y

ORDER

This cause coming to be heard on the motion by petitioner for an extension of time until after the last Appellate Court Order has been forthcoming, proper notice having been served and the Court being fully advised in the premises:

IT IS HEREBY ORDERED that the motion is denied.

ENTER:

Justice CHARLES E. FREEMAN

Filed MARCH 7, 1995

CHICAGO SUPREME COURT CLERK

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

IN RE THE MARRIAGE OF
KURT ROSENBAUM,

Petitioner/Counter-Defendant, Appellee,

and

JEAN ROSENBAUM,

Respondent/Counter-Plaintiff, Appellant, acting Pro Se.

No. 1-93-3777

COPY

ORDER

In response to an award of sanctions entered against respondent, petitioner's counsel filed an affidavit of attorney fees. Respondent challenges the fee affidavit on several grounds which are the subject of this order.

On January 10, 1995, an order was entered in this case pursuant to Illinois Supreme Court Rule 23 (134 Ill. 2d R. 23). This court ruled that the circuit court had jurisdiction to enter

an order regarding release of the Keystone stock, that the enjoining order of September 8, 1993, was valid, that the 1983 judgment for dissolution of marriage was final, that the circuit court did not err in refusing to allow respondent's amendment to her brief in opposition to petitioner's motion regarding the Keystone stock and that the circuit court did not err in denying respondent's post-trial motion without hearing argument. The sanction portion of our order reads:

> "The petitioner requests that sanctions be entered against respondent for arguments made here which are repetitive of arguments contained in the earlier appeals. Petitioner's request for an award of sanctions on appeal is granted. Petitioner may file with this court an affidavit of

fees and costs within 14 days of the date of this order and respondent is granted leave to file a response within 14 days thereafter."

On January 18, 1995, petitioner's attorney Edward A. Berman filed an affidavit and a computer-generated description of work performed on this appeal listed as a "client billing worksheet." The work which was described was listed by date, the hours spent were set forth together with the hourly rate billed, and there was a total for each item. The total requested was $6,125.45.

On January 31, 1995, respondent filed a response to the affidavit of fees. She objected in detail to almost every charge. She contended that Berman "lumped all matters together" without attempting to designate which items were for repetitive arguments made in

earlier appeals. She claimed petitioner "attempts to charge (respondent) for all arguments and pleadings." Finally, respondent asserted that the affidavit wrongfully included matters which arose in the circuit court. She asked that the Berman affidavit be stricken, that he be required to re-write it, and that a sanction award be entered against him. On February 21, 1995, respondent filed a "motion to add "amendment" to her response. Here, she "strongly" objected to all parts of the Berman fee affidavit and stated that this amendment "supersede(d)" her January 31, 1995, response which was prepared "hastily." The same day respondent also filed a motion to strike Berman's fee affidavit because "upon further investigation" she found that not one of the entries in the Berman

affidavit was authorized under the sanction award. She claimed the affidavit was "contemptuous" of this court's order and "frivolous and harassing," meriting a sanction award.

On March 8, 1995, attorney Berman filed an amended affidavit removing some of the previous entries including the matters handled exclusively in the circuit court. The amount requested was reduced to $5,477.95.

On March 13, 1995, respondent filed a motion to strike Berman's amended affidavit. In this document, respondent contended that none of Berman's charges were authorized and the amended affidavit was "insufficient at law, indefinite, defective and harassing, as well as highly contemptuous." In addition, it was "frivolous and cause(d) needless expense and stress to (respondent.)"

She claimed that she should be awarded sanctions pursuant to Illinois Supreme Court Rule 375 (134 Ill. 2d R. 375). She then argued that Rule 375 does not equally protect her from petitioner's improper plea pleadings abrogating her constitutional rights of equal protection and due process. The same day respondent also filed an answer to petitioner's amended affidavit and a motion for leave to file it stressing the "utmost important necessity" in filing the answer. Respondent acknowledged that leave was not granted her to file this document.

Respondent once again has flooded this court with multiple pleadings on what otherwise is a predetermined issue. The only question before this court is the amount of the sanction award to be imposed against her. Respondent's

motion to strike Berman's initial affidavit and her answer to the amended affidavit are both stricken. Respondent was granted leave solely to respond to the Berman affidavit. She filed a response. She may not later move to strike the affidavit. She never requested leave to withdraw her response, and we would not have allowed her to do so had she made such a request. The only pleadings under consideration here are the Berman amended affidavit which acknowledges that certain circuit court matters should be excluded in the fee sanction, and respondent's initial response. Respondent was not granted leave to file any other pleadings.

Initially, we note that respondent has misread the terms of the order. Petitioner requested an award of sanctions because of respondent's repetitive

arguments. However, our order was not restricted solely to counsel's efforts directed toward answering respondent's repeated arguments. The sanction order was imposed generally. This court acknowledges that respondent has filed multiple and repetitive pleadings as demonstrated once again in this final administrative matter. The purpose of sanctions is to punish and condemn the abusive conduct of litigants and their attorneys. First Federal Savings Bank of Proviso Township v. Drovers National Bank of Chicago (1992), 237 Ill. App. 3d 340, 606 N.E. 2d 1253.

We have reviewed the Berman amended affidavit and attached billing worksheet. The charges are usual and not excessive for appellate work. We will clarify two entries which respondent has misunderstood, No. 6128 and No. 7374. Respon-

dent objected to petitioner's examination of a docketing statement which she had not filed until November 9, 1993. However, the entry to which she objects does not refer to respondent's yet-to-be filed docketing statement. Respondent also objected to a later description of work performed on a "reply brief." Her objection is that she had not yet filed a reply brief. However, it is clear from this entry that Berman examined his own brief, a responsive brief, and mailed a copy to his client.

Therefore, an award of $5,477.95 will be granted in petitioner's favor.

Presiding Justice SCARIANO

Justice HARTMAN

Justice DiVITO

ORDER ENTERED MAY 3, 1995.

ILLINOIS SUPREME COURT
Juleann Hornyak, Clerk
Supreme Court Building
Springfield, IL. 62706
(217) 782-2035

June 1, 1995

Ms. Jean Rosenbaum
1354 W. Greenleaf St.
Chicago, IL 60626

C O P Y

No. 78716 - Kurt Rosenbaum, respondent,
v. Jean Rosenbaum, petitioner,
Leave to appeal, Appellate Court,
First District (No. 93-3777).

The Supreme Court today DENIED the petition for leave to appeal in the above entitled cause.

The mandate of this court will issue to the Appellate Court on June 23, 1995.

IN THE APPELLATE COURT, STATE OF ILLINOIS
FIRST DISTRICT

IN RE THE MARRIAGE OF	)	
	)	
KURT ROSENBAUM,	)	
	)	
Petitioner, Counter-	)	
	)	
Defendant, Appellee,	)	
	)	
v.	)	NO. 93-3777
	)	
JEAN ROSENBAUM,	)	
	)	
Respondent, Counter-	)	
	)	
Plaintiff, Appellant,	)	
	)	C O P Y
acting Pro Se.	)	

ORDER

This cause coming on to be heard this day on the MOTION TO RECONSIDER AND VACATE ORDER ENTERED MAY 3, 1995, OR AS A LESSER ALTERNATIVE, TO REVISE SANCTION AWARD DOWNWARD TO KURT ROSENBAUM FROM JEAN ROSENBAUM, presented by JEAN ROSENBAUM, Respondent, Counter-Plaintiff, Appellant, acting Pro Se, and the Court having read argument and

been advised in the premises;

IT IS HEREBY ORDERED:

The MOTION TO RECONSIDER AND VACATE ORDER ENTERED MAY 3, 1995, OR AS A LESSER ALTERNATIVE, TO REVISE SANCTION AWARD DOWNWARD TO KURT ROSENBAUM FROM JEAN ROSENBAUM, is

ALLOWED: ____ DENIED: X

Justice ANTHONY SCARIANO

Justice ALLEN HARTMAN

Justice GINO DiVITO

ORDER ENTERED: June 9, 1995.

Clerk's Office
Appellate Court First District
State of Illinois
160 N. LaSalle
Suite 1400
Chicago, IL 60601

7/3/95

Honorable Aurelia Pucinski
Richard J. Daley Center
Room 1001
Chicago, IL 60602

COPY

Re: Re Mar. Rosenbaum, Kurt v. Rosenbaum, Jean, Appellate Court No. 1-93-3777
Trial Court No. 81D22050

Dear Honorable Pucinski:

Attached is the Mandate of the Appellate Court in the above entitled cause.

We are sending the attorneys of record a copy of this letter to inform them that the mandate of the Appellate Court has been filed with you.

Gilbert S. Marchman,
Clerk of the Appellate Court
First District, Illinois

cc Jean Rosenbaum, 1354 West Greenleaf Street, Chicago, IL 60626

IN THE APPELLATE COURT, STATE OF ILLINOIS
FIRST DISTRICT

IN RE THE MARRIAGE OF	)	
	)	
KURT ROSENBAUM,	,	
	,	
Petitioner, Counter-	,	
	,	
Defendant, Appellee,	,	
	,	
v.	,	NO. 93-3777
	,	
JEAN ROSENBAUM,	,	
	,	
Respondent, Counter-	,	
	,	
Plaintiff, Appellant,	,	
	,	
acting Pro Se.	,	C O P Y
	,	

ORDER

This cause coming on to be heard this day on the EMERGENCY MOTION TO RECALL APPELLATE COURT MANDATE, presented by JEAN ROSENBAUM, Respondent, Counter-Plaintiff, Appellant, acting Pro Se, and the Court having read argument and been advised in the premises;

IT IS HEREBY ORDERED:

The MOTION TO RECALL APPELLATE COURT

IN THE APPELLATE COURT, STATE OF ILLINOIS
FIRST DISTRICT

IN RE THE MARRIAGE OF	)	
	)	
KURT ROSENBAUM,	)	
	)	
Petitioner, Counter-	)	
	)	
Defendant, Appellee,	)	
	)	
and	)	NO. 93-3777
	)	
JEAN ROSENBAUM,	)	
	)	
Respondent, Counter-	)	
	)	
Plaintiff, Appellant,	)	
	)	C O P Y
acting Pro Se.	)	

ORDER

MANDATE is

ALLOWED: X DENIED: ____

A stay is allowed to be effective throughout proceedings before the Supreme Court of United States, until the case has been completed, pending the timely-filing of a Petition for Writ of Certiorari by Appellant, as well as throughout proceedings in the Illinois Supreme Court re Sanctions.

ALLOWED: X DENIED: ____

Justice ANTHONY SCARIANO

Justice ALLEN HARTMAN

Justice GINO DiVITO

ORDER ENTERED: July 20, 1995

SUPREME COURT OF ILLINOIS
Supreme Court Building
Springfield, 62706

July 25, 1995

Ms. Jean Rosenbaum
1354 W. Greenleaf Street
Chicago, IL 60626

C O P Y

In re: No. 79435 - Kurt Rosenbaum, respondent, v. Jean Rosenbaum, petitioner.

Dear Ms. Rosenbaum:

The following order was entered this date in the above captioned case:

The motion by petitioner, pro se, for leave to file petition for leave to appeal instanter is denied.

Very truly yours,

JULIANN HORNYAK

Clerk of the Supreme Court

cc Edward Berman
Appellate Court Clerk, First District

SUPREME COURT OF ILLINOIS
Supreme Court Building
Springfield, 62706

August 8, 1995

Ms. Jean Rosenbaum
1354 W. Greenleaf
Chicago, IL 60626

C O P Y

In re: No. 79435 - Kurt Rosenbaum,
respondent, v.
Jean Rosenbaum,
petitioner.

Dear Ms. Rosenbaum:

The following order was entered this date in the above captioned case:

"The motion by petitioner, pro se, for reconsideration of order entered July 25, 1995, denying motion for leave to file petition for leave to appeal instanter is denied.

Very truly yours,

JULEANN HORNYAK

Clerk of the Supreme Court

cc Edward Berman
AC First District

(f) CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED.

UNITED STATES CONSTITUTION:

AMENDMENT V.

"No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb, nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law, nor shall private property be taken for public use, without just compensation."

AMENDMENT XIV, SECTION 1.

"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

ILL. REV. STAT. (1992) --

735 ILCS 5/11 - 101-110,

Article XI, Injunction.

PART 1. IN GENERAL

ction

11-101. Temporary restraining order.
11-102. Preliminary injunction.
11-103. Bond.
11-104. Bond before court or clerk.
11-105. Filing of bond.
11-106 Injunctive relief on Saturday, Sunday or legal holiday.
11-107. Seeking wrong remedy not fatal.
11-107.1. Injunctive relief for the father of an unborn child in an abortion related decision by the mother.
11-108. Motion to dissolve.
11-109. Affidavits in support of motion to dissolve.
11-110. Assessing damages.

Paragraph headings for contents of injunction statute. There is no "permanent injunction" listed; nor is there any reference to one in the body of the statute.

ILL. REV. STAT. (1994)

SUPREME COURT RULE 375 --

Sanctions on Appeal.

Rule 375. Failure to Comply With Rules; Frivolous Appeals—Sanctions

(a) Failure to Comply With Appeals Rules. If after reasonable notice and an opportunity to respond, a party or an attorney for a party or parties is determined to have wilfully failed to comply with the appeal rules, appropriate sanctions may be imposed upon such a party or attorney for the failure to comply with these rules. Appropriate sanctions for violations of this section may include an order that a party be barred from presenting a claim or defense relating to any issue to which refusal or failure to comply with the rules relates, or that judgment be entered on that issue as to the other party, or that a dismissal of a party's appeal as to that issue be entered, or that any portion of a party's brief relating to that issue be stricken. Additionally, sanctions involving an order to pay a fine, where appropriate, may also be ordered against any party or attorney for a party or parties.

(b) Appeal Not Taken in Good Faith; Frivolous Appeals. If, after consideration of an appeal, it is determined that the appeal itself is frivolous, or that an appeal was not taken in good faith, for an improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation, or the manner of prosecuting the appeal is for such purpose, an appropriate

sanction may be imposed upon any party or the attorney or attorneys of the party or parties. An appeal will be deemed frivolous where it is not reasonably well grounded in fact and not warranted by existing law or a good-faith argument for the extension, modification, or reversal of existing law. An appeal will be deemed to have been taken or prosecuted for an improper purpose where the primary purpose of the appeal is to delay, harass, or cause needless expense.

Appropriate sanctions for violation of this section may include an order to pay to the other party or parties damages, the reasonable costs of the appeal, and any other expenses necessarily incurred by the filing of the appeal, including reasonable attorney fees.

A reviewing court may impose a sanction upon a party or an attorney for a party upon the motion of another party or parties, or on the reviewing court's own initiative where the court deems it appropriate. If the reviewing court initiates the sanction, it shall require the party or attorney, or both, to show cause why such a sanction should not be imposed before imposing the sanction. Where a sanction is imposed, the reviewing court will set forth the reasons and basis for the sanction in its opinion or in a separate written order.

Adopted June 19, 1989, eff. Aug. 1, 1989.

Rules 376 to 380. Reserved

JUDGMENT OF DISSOLUTION OF MARRIAGE

Entered December, 1983

Last page, last paragraph, page 20:

"K. That this court retains continuing jurisdiction of the parties hereto and the subject matter hereof for purposes of enforcing the provisions of this Judgment."

E N T E R:

DANIEL J. RYAN
Judge

DATED: December 16, 1983 (later corrected to December 20, 1983.)

STATE OF ILLINOIS)
) SS
COUNTY OF C O O K)

AFFIDAVIT

I, JEAN ROSENBAUM, being first duly sworn upon oath, depose and state I am the Petitioner, acting Pro Se in the aforestated cause, that I have read the foregoing PETITION FOR WRIT OF CERTIORARI, with Appendix, by me subscribed, that I know the contents thereof, and the same are true in substance and in fact.

Jean Rosenbaum
JEAN ROSENBAUM, Petitioner, acting Pro Se.

Subscribed and sworn to before me, a Notary Public of the State of Illinois, County of Cook, this 29 day of August, 1995.

Notary Public

OFFICIAL SEAL
IRA FISHMAN
NOTARY PUBLIC STATE OF ILLIN
MY COMMISSION EXP. JULY 25

Jean Rosenbaum, Pro Se
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Chicago, Illinois 60626
973-6047 (312)